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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

THE ESTATE OF CHI MODU, appearing  
via its trustee, SOPHIA MODU,

Plaintiff,

v.

AMAZON.COM, INC. and AMAZON  
DIGITAL SERVICES LLC; and DOES 1  
through 10,

Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR:**

1. COPYRIGHT  
INFRINGEMENT;
2. VICARIOUS AND/OR  
CONTRIBUTORY  
COPYRIGHT  
INFRINGEMENT; and
3. VIOLATION OF THE  
DMCA: 17 U.S.C. § 1202

Jury Trial Demanded

Plaintiff, The Estate of Chi Modu, appearing via it's trustee, Sophia Modu, by  
and through its undersigned attorneys, hereby prays to this honorable Court for relief  
based on the following:

**JURISDICTION AND VENUE**

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§  
101 *et seq.*
2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331  
and 1338 (a) and (b).

**PARTIES**

4. Plaintiff is the Estate of Chi Modu, and appears via its trustee, Sophia Modu (“The Estate”), and is based in New Jersey.

5. Plaintiff is informed and believes and thereon alleges that Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington and does business in, as well as operates the Amazon.com website in California, as well as equivalent international websites.

7. Plaintiff is informed and believes and thereon alleges that Amazon Digital owns and operates the Prime Video website and app. Amazon Digital has no independent operation and, instead, is controlled in every manner by defendant Amazon.com, Inc.

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1           9.           Plaintiff is informed and believes and thereon alleges that at all times  
2 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
3 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
4 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
5 and/or employment; and actively participated in or subsequently ratified and  
6 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
7 all the facts and circumstances, including, but not limited to, full knowledge of each  
8 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
9 caused thereby.

10           10.          Amazon.com, Inc., Amazon Digital Services LLC, and Does 1-10 are  
11 collectively referred to herein as "Defendants."

12                           **CLAIMS RELATED TO SUBJECT PHOTOGRAPH**

13           11.          Chi Modu ("Modu") was an award-winning photographer, well-  
14 known for his photographs of hip-hop icons including Tupac Shakur, Notorious  
15 B.I.G., Mary J. Blige, L-L Cool J, and many others. He exhibited his work at  
16 numerous museums, appeared at many exhibits, and used his skills as a photographer  
17 to create unique documentaries. His photographs are often used in commercials,  
18 films, music documentaries, along with being held in private collections. His images  
19 have also been licensed by Sony, Paramount, Viacom, The New York Times and  
20 The London Times, and his photograph of Tupac Shakur was featured in Rolling  
21 Stone's book "The '90s: The Inside Stories from the Decade That Rocked." His  
22 photographs have also been featured on the covers of The Source, Rolling Stone  
23 Magazine, and Jazz Times.

24           12. Modu created an original photograph depicting Tupac Shakur ("Subject  
25 Photography"), a true and correct copy of which is attached as **Exhibit A**.



1           21.       Due to Defendants', and each of their, acts of infringement, Plaintiff  
2 has suffered general and special damages in an amount to be established at trial.

3           22.       Due to Defendants' acts of copyright infringement as alleged herein,  
4 Defendants, and each of them, have obtained direct and indirect profits they would  
5 not otherwise have realized but for their infringement of Plaintiff's rights in the  
6 Subject Photograph. As such, Plaintiff is entitled to disgorgement of Defendants'  
7 profits directly and indirectly attributable to Defendants' infringement of its rights in  
8 the Subject Photograph in an amount to be established at trial.

9           23.       Plaintiff is informed and believes and thereon alleges that  
10 Defendants, and each of them, have committed acts of copyright infringement, as  
11 alleged above, which were willful, intentional and malicious, which further subjects  
12 Defendants, and each of them, to liability for statutory damages under Section  
13 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars  
14 (\$150,000.00) per infringement. Within the time permitted by law, Plaintiff will  
15 make its election between actual damages and statutory damages.

16                           **SECOND CLAIM FOR RELIEF**

17                   **(Vicarious and/or Contributory Copyright Infringement - Against All**  
18   **Defendants, and Each)**

19           24.       Plaintiff realleges and incorporates by reference the preceding  
20 paragraphs of this Complaint as if fully set forth herein.

21           25.       Plaintiff is informed and believes and thereon alleges that Defendants  
22 knowingly induced, participated in, aided and abetted in and profited from the illegal  
23 reproduction and distribution of the Subject Photograph as alleged herein. Such  
24 conduct included, without limitation, publishing the Subject Photograph obtained  
25 from third parties that Defendants knew, or should have known, were not authorized  
26 to publish the Subject Photograph.

1           26.       Plaintiff is informed and believes and thereon alleges that  
2 Defendants, and each of them, are vicariously liable for the infringement alleged  
3 herein because they had the right and ability to supervise the infringing conduct and  
4 because they had a direct financial interest in the infringing conduct. Specifically,  
5 Defendants, and each of them, received revenue in connection with the  
6 aforementioned website posts that incorporated the unauthorized copies of the  
7 Subject Photograph, and were able to supervise the publication of said posts.

8           27.       By reason of the Defendants', and each of their, acts of contributory  
9 and vicarious infringement as alleged above, Plaintiff has suffered and will continue  
10 to suffer substantial damages to their business in an amount to be established at trial,  
11 as well as additional general and special damages in an amount to be established at  
12 trial.

13           28.       Due to Defendants' acts of copyright infringement as alleged herein,  
14 Defendants, and each of them, have obtained direct and indirect profits they would  
15 not otherwise have realized but for their infringement of Plaintiff's rights in the  
16 Subject Photograph. As such, Plaintiff is entitled to disgorgement of Defendants'  
17 profits directly and indirectly attributable to Defendants' infringement of their rights  
18 in the Subject Photograph, in an amount to be established at trial.

19           29.       Plaintiff is informed and believes and thereon alleges that  
20 Defendants, and each of them, have committed acts of copyright infringement, as  
21 alleged above, which were willful, intentional and malicious, which further subjects  
22 Defendants, and each of them, to liability for statutory damages under Section  
23 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars  
24 (\$150,000.00) per infringement and/or a preclusion from asserting certain equitable  
25 and other defenses.

**THIRD CLAIM FOR RELIEF**

**(Violation of 17 U.S.C. §1202 - Against All Defendants, and Each)**

30. Plaintiff realleges and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

31. Defendants, and each of them, have removed Plaintiff's copyright management information from the Subject Photograph knowing or having reason to know that such removal would induce, enable, facilitate, or conceal and infringement and/or added false copyright management information to the Subject Photograph with the intent to induce, enable, facilitate, or conceal infringement, before publishing same.

32. The aforementioned facts constitute "copyright management information" as that phrase is defined in 17 U.S.C. § 1202(c) and is false.

33. When Defendants published the Subject Photograph, they knowingly provided and/or distributed false CMI in violation of 17 U.S.C. § 1202(a), and did so in order to induce, enable, facilitate, or conceal infringement.

34. When Defendants published the Subject Photograph, they removed Plaintiff's copyright management information from the Subject Photograph knowing or having reason to know that such removal would induce, enable, facilitate, or conceal and infringement in violation of 17 U.S.C. § 1202(b), as set forth above.

35. As a result of the foregoing, Plaintiff has been damaged and may recover those damages as well as Defendants' profits, or statutory damages, under the Digital Millennium Copyright Act

**PRAYER FOR RELIEF**

36. Wherefore, Plaintiff prays for judgment as follows:

**Against All Defendants**

**With Respect to Each Claim for Relief**

- a. That Defendants, and each of them, as well as their employees, agents, or anyone acting in concert with them, be enjoined from infringing Plaintiff's copyright in the Subject Photograph, including, without limitation, an order requiring Defendants, and each of them, to remove the Subject Photograph from their respective websites, catalogs, marketing and advertisement materials.
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants, and each of them, through their infringement, the exact sum to be proven at the time of trial, and/or, to the extent available, statutory damages as available under the 17 U.S.C. § 504, 17 U.S.C. § 1203, and other applicable law.
- c. That a constructive trust be entered over any revenues or other proceeds realized by Defendants, and each of them, through their infringement of Plaintiff's intellectual property rights;
- d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 505 et seq.;
- e. That Plaintiff be awarded its costs and fees under the statutes set forth above;
- f. That Plaintiff be awarded statutory damages and/or penalties under the statutes set forth above;
- g. That Plaintiff be awarded pre-judgment interest as allowed by law;
- h. That Plaintiff be awarded the costs of this action; and
- i. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.



**DEMAND FOR JURY TRIAL**

37. Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

Respectfully submitted,

Dated: June 22, 2022

By:

/s/ Scott Alan Burroughs

Scott Alan Burroughs, Esq.

Frank R. Trechsel, Esq.

DONIGER / BURROUGHS

*Attorneys for Plaintiff*

*Estate of Chi Modu and Trustee Sophia Modu*

**EXHIBIT A**



**EXHIBIT B**

amazon prime Prime Video

Buy Again Groceries Shopper Toolkit Livestreams Health & Household Beauty & Personal Care Gift Cards Amazon Basics Coupons Pet Supplies Top small business gifts

prime video Home Free to me Store Channels Categories My Stuff Deals WHO'S WATCHING? Scott

### Tupac Shakur: Thug Immortal

★★★★☆ (70) 1 h 26 min 1997 16+

I am the future of black America. "Can't nobody steal my shine"- Tupac Shakur in his last interview, one of the many exclusive pieces of footage featured in "Thug Immortal". From his early appearances on record with Digital Underground to his popular and influential solo albums, Tupac Shakur was a rap phenomenon, and one of the pioneers of gangster rap. Though often attacked by the media.

🕒 Rentals include 30 days to start watching this video and 48 hours to finish once started.

Rent SD \$0.99 Buy SD \$2.99 +

Redeem a gift card or promotion code

|                 |                                    |
|-----------------|------------------------------------|
| Directors       | Wu Tang Collection                 |
| Starring        | Tupac Shakur, Marion 'Suge' Knight |
| Genres          | Documentary                        |
| Subtitles       | English [CC]                       |
| Audio languages | English                            |

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